

# IDAHO FALLS PLANNING COMMISSION

CITY OF IDAHO FALLS PLANNING DEPARTMENT

P.O. BOX 50220

IDAHO FALLS, IDAHO 83405-0220

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September 2, 2014

7:00 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners George Swaney, Brent Dixon, George Morrison, Kurt Karst, James Wyatt

**MEMBERS ABSENT:** Natalie Black, Donna Cosgrove, Margaret Wimborne

**ALSO PRESENT:** Planning Director Brad Cramer, Assistant Planning Director Kerry Beutler, Current Planner Brent McLane and interested citizens.

**CALL TO ORDER:** Chair Swaney called the meeting to order at 7:00 p.m. and reviewed the public hearing process.

**Minutes:** Morrison moved to approve the minutes of august 5, 2014. Dixon seconded the motion and passed unanimously.

## **Public Hearings:**

**Planned Unit Development for a Medical Office: Lot 11, Block 13, St. Clair Estates, Division No. 13 4<sup>th</sup> Amended.** McLane presented the staff report, as part of the record. Dixon recalled that when the commission was first looking at the area, the recommendation of planning and zoning was to encourage parking in sides and rear rather than in front. This developer is putting parking closer to the street. McLane indicates site plan is consistent with most of approved site plans in the area. Dixon asked if it was not in PUD if would they be able to put parking that close to street. McLane indicates they would. Cramer clarified that a PUD allows a reduced set back. A PB zone on its own requires a 20 foot setback that would all have to be landscaped. The PUD reduces that to 15 feet. Karst asked what the purpose was for allowing them to be set in PUD. Cramer responded that originally the PUD ordinance was developed around residential development, not commercial. Over time it began to be used for commercial developments without any specific commercial standards and used for things such as controlling access or ensuring cross access agreements. He said this PUD was originally put in place to ensure a secondary fire access.

Swaney opened the public hearing

**Ryan Loftus, Aspen Engineering, 10727 N Yellowstone Hwy, Idaho Falls, ID 83401.** Medical office building similar to the one that is two lots to south that was presented at the previous meeting. He said the 20 percent required landscaping makes up for some of the lost landscaping in the setback area. The developer is willing to remove access points on Sunnyside which did not appear on site plan. Karst asks Loftus about shared access to the lot to the south. Loftus responded Loftus they will share the single access point on to Potomac way. The parking lots will be tied together.

Swaney closed the public hearing.

Dixon does not believe the City is getting what was expected out of the PUD by having attractive parts of development towards road. However he feels, that is not a reason to hold up specific development. **Karst**

moved to recommend to the Mayor and City Council approval of the planned unit development for medical office building, St. Clair Estates, Division No. 13, 4<sup>th</sup> Amended as presented with the condition that final documents indicate that existing accesses on Sunnyside be removed. Dixon seconded motion and it passed unanimously.

**Conditional Use Permit for the Complete Renovation of a building and parking lot expansion for a church in R-2A Zone: Lot 1, Block 1, Juniper Addition and 0.6 acres NW1/4, SW1/4, SW1/4, Section 7, T 2N R38.** Beutler presented the staff report, a part of the record. Dixon pointed out this is the second church this summer where they have removed existing landscaping that was functioning as a buffer. While it is understood that the zone does not require buffer, it is residential where parking faces residential and evening uses would have headlights shining on residential. We should always try to buffer residential from any kind of commercial or non-residential use especially when parking is facing residential. Beutler clarified that there is 7-10 foot buffer required including either an opaque fence or appropriate landscaping because of the residential.

Swaney opened the public hearing.

**Russell Goyan, 875 W. Anderson, Idaho Falls, ID.** In response to Dixon's concern Goyan said the existing row of pine trees and fir trees was not much of a buffer. And chain link did not do anything. Proposal is to put strips in chain link fence and add new landscaping. Goyan, said the trees had become diseased. Goyan had the City Forester come to look at the trees. Dixon asked about the building on the south east side of the site. Goyan says it is a storage area. Karst asked about the storm water retention pond. Goyan responded that the expense to them to put in two but that was needed to accommodate the storm drainage.

**Robert Ewing, 744 Bennett Ave., American Falls, ID.** In response to a question from Dixon regarding the storm ponds, Ewing said the present building elevation controls the way the drainage all drains to storm sewer on street. With storm water requirements, they were matching the requirements for 72 hour percolation. Because the property drains two directions, both ponds were required.

Swaney closed the public hearing.

Dixon said this is an attractive improvement to the property and it will be an improvement to the neighborhood. He said the staff notes did not indicate anything about opaque fence, so it needs to be included as a condition as it appears to be the applicants plan. **Dixon moved to approve the conditional use permit to modify an existing site to include the remodeled church site and expanded property for Lot 1, Block 1, Juniper Addition and .06 acres within the NW1/4, SW1/4, SW1/4 of Section 7, T2N, R38E, as presented with the following conditions: 1. Along the southern border the landscaping and fence be upgraded to provide appropriate buffering versus residential, which would include opaque fence or appropriate landscaping per ordinances. 2. The landscaping plan as presented be such that the applicant at their option in the future, may add additional trees and shrubs along eastern boundary to buffer themselves against the onramp without having to come back to commission. Morrison seconded motion. Motion passed unanimously.**

**Reasoned Statement of Relevant Criteria to approve the conditional use permit to modify an existing site to include the remodeled church site and expanded property for Lot 1, Block 1, Juniper Addition and .06 acres within the NW1/4, SW1/4, SW1/4 of Section 7, T2N, R38E:** Morrison moved to approve the Reasoned Statement of Relevant Criteria as modified, Karst seconds motion. Motion passes unanimously.

**Annexation with Initial Zoning of R-1 and final plat: Yorkside, Division No. 2.** Beutler presented the staff report, a part of record. The proposed final plat is largely in keeping with what was approved on the preliminary plat in 2006. There are differences in the number of lots along Casa Drive. The cul-de-sacs have also been changed to an eyebrow configuration. The total number of lots has changed from 21 lots to 25. Two letters were submitted from citizens, Prairie and Wallis, they are included as part of record.

Swaney opened the public hearing.

**Fred Wallen, 645 Lincoln Drive, Ellsworth Engineering, Idaho Falls, ID.** The plat is more than complying with the R-1 zoning and keeping in the same lot sizes and nature of the adjoining subdivisions. To address some of the concerns raised, the Lots to the North of Casa, there were 5, now there are 4, they are still 100 foot lots. They are trying to accommodate large homes with three-car garages. Lots on the south side of Casa as shown on preliminary plat, were odd shaped and could not be developed as configured. The average lot size and even the smallest lot size is substantially larger than the R-1 requirement. Dixon asked about the size of the lots for this Division versus Division 1, average size. Beutler advised that Yorkside Division 1 average was 16,573 sq. ft. with the smallest being just over 11,000 sq. ft.

**Rick Wallis 186 Casa Drive, Idaho Falls, ID 83404.** Hopes Board has received his letter and had a chance to read that and dissect the background and why they moved there. They were the original builders in Yorkside Subdivision. They were trying to find a location where there weren't as many homes and the homes were similar in size and similar in lot size. They saw the preliminary plat when they bought the property and made a financial decision based on that plat. He does not have the ability to change subdivisions and does not believe developers should have the ability to change something that has been approved by government agency. Wallis speaks for many, as they are in opposition of annexation based on the fact the original plot is being changed. If the original plot had been approved for this portion they would not be in opposition. They are not anti-development, and want to see the City grow. They want to see it to be great place to raise families and look forward to spending a number of years here, pay taxes and better the quality of life for ourselves. If we allow developers to come in and change things that have been originally provided to people who have made financial decisions based on those documents being provided, I think we cause irreparable harm to people financially. So were you to approve the change of original plot, I would say I think that is unacceptable, I think it's irresponsible and I think it borders on unethical as people were given documentation that allowed them to make a decision. He also feels the large lots in the north eastern corner skew the average lot size figures presented.

**Vanessa Prairie, 181 Casa drive, Idaho Falls, ID 83404.** Prairie owns the lot across the street from Wallis. Prairie and her husband looked for some time to find an area to build where the home value would be recognized both present and in the future. In the surrounding area lots have been sold to different types of quality builders, therefore allotting the different homes and downsizing the lots. Prairie strongly agrees with the point on average lot size, a couple of lots does not justify the overall lot size. One of biggest concerns is the large amount of traffic coming from Sunterra. The canal road that access point while it is in farm ground it has an extreme amount of everyday use there.

**Fred Wallen, Ellsworth Engineering, 645 Lincoln Drive Idaho Falls, ID.** Appreciates concerns about properties. In his experience doing subdivisions over the last 15 years in this city and county, these are very nice sizes, larger than a lot of the subdivisions that have been put up. He does not agree the three lots in the cul-de-sac are skewing the numbers. As far as the traffic problems, putting in the street with curb and gutter that will definitely deter anybody going out and playing along the canal bank. As the staff report stated, the connectivity is an important part of development and that was one of the reasons why

Casa drive was built as a wider street, is because it was thought to be a collector. Karst asked about the original number of lots in this area on preliminary plat. Wallen said there were 21 lots, and he is now proposing 25. He also said the plan is to enlarge lots further south from what was approved in the preliminary plat. Dixon asks Wallen if there would be additional development to south and if the densities would be changing. Wallen said there would be additional development but the intent is to stay similar to the preliminary plat. There was further discussion regarding the preliminary plat and its relation to the proposal. Cramer stated there is no standard for when a final plat is different enough from the preliminary plat that a new preliminary is required. The commission is looking at whether or not it is consistent with the preliminary. Data to consider includes lot size, number of lots and density. He said the lot size in Division 1 was 16,573 square feet and the Final Plat shows 14,374 square feet, a difference of 15%. The density on the preliminary plat was 1.8 units per acre and Final Plat is 2.1 units per acre, a difference of 16.6%. The number of lots in the preliminary plat was 21, the Final Plat includes 25, a difference of 19%. Percent difference is only one way to look at things, but it can suggest differences.

**Rick Wallis 186 Casa Drive.** Wallis asked what the average lot size would be if Lot 14 was not included. Cramer Can staff take out large lot in the corner .78 acres, lot 14, subtract that out and see how it skews the average lot size, as it would be beneficial for the commissioners to see the average lot size. Can engineers guarantee the project on the next phase will remain the same or are we going to be back to this again, more changing a product that was already approved by this Commission? Swaney said preliminary plats are as advertised, preliminary. That is why the process has a preliminary plat, if it was final it would be called final. That is just the way the process is.

**Fred Wallen, Ellsworth Engineering, 645 Lincoln Drive, Idaho Falls, ID.** Wallen reiterated the street layout the average lot sizes are as needed to be on the preliminary plat, so if we changed substantially from that, as you stated, the preliminary plat would have to change and that would allow anybody in the affected area to come and address those changes. There was a brief discussion about other developments that changed lot sizes.

Swaney closed public hearing.

Morrison said when you get assurances about buying property from realtor it is hard to buy into those promises. The promises were not from the city they were from the developer. The lot sizes do meet the requirements and are fairly similar to others in the area. Morrison, does, however, agree with feelings of neighbors and does appreciate living in a neighborhood with less density. Morrison believes it should be returned to the original preliminary plat. Dixon said on the south side of Casa lots increased from 4 to 6; and increase of 50%. On north side the lots increased from 5 to 6 lots; an increase of 20%. If you look at the effect on the individual street then the impact is much greater. Swaney suggested that since there is likely agreement on the annexation and zoning but there is difficulty agreeing on the plat, the commission should limit its recommendations at this point to the City Council for the annexation and zoning because the applicant would then have the opportunity to review his final plat proposal to see if there is something more amenable and, bring it back and deal with the final plat as an individual action before the commission. Morrison agrees with this idea. Cramer states the subdivision ordinance says the commission needs to take an action on the plat. If the recommendation is to deny the plat you also need to state the reasons why and tell the applicant what it would take to gain an approval. Karst said there was a point in time when we reviewed and considered preliminary plats with almost no real discussion or consideration for what was really or potentially going to be done. They were reviewed for road patterns and other similar items. The commission has come a long way on doing a good review on preliminary plats. He doesn't think the difference between 1.8 and 2.1 is a significant increase, however a 19% increase in the number of lots is. He can appreciate the people that bought the lot and if they looked at the plat as the only evidence in front of them for what the potential was for that neighborhood they should be able to

rely on that at a point closer to where we are at right now. **Dixon moved to recommend to Mayor and City Council approval of annexation of Yorkside Division 2, with an initial zoning of R-1 as presented. Morrison seconded motion. Motion passes unanimously. Dixon moved to recommend to Mayor and City Council denial of the final plat of Yorkside Division 2 as presented due to significant changes in density versus the preliminary plat especially along Casa Drive west of Jolyn Way. Wyatt seconded motion. Motion passed unanimously.**

**Final Plat, Linden Park Division No. 8.** Beutler presents staff report a part of the record. Dixon asked if Bonneville went all the way through. Beutler did not think the right of way went all the way to First Street. Dixon asked if Syringa would be developed if this development went forward. Beutler said only to eastern end of the development's access. Dixon asked how far a pathway could be developed south along the canal. Beutler said there is nothing sure beyond John Adams.

Swaney invited the applicant to speak regarding the application.

**Blake Jolley, Harper Leavitt Engineering, 985 N. Capital, Idaho Falls, ID 83402.** The Developer on this project understands that he has a piece of property that not being used currently for what it has been zoned for. The homeowners of Lot 2 are in favor of the development. The applicant also wanted Jolley to let the commission know he has bigger eyes than this in the area. He owns property to the south and has been approached by home owners on the south and to create this to be larger in size at some point. Jolley clarified for Swaney that the applicant does not have problem with limitation with no access onto First Street. In response to a question from Dixon regarding the property line along the canal, Jolley said there were some issues with the right-of-way for the canal. A 12 foot pathway is intended to be built along the canal. **Wyatt moved to recommend to Mayor and City Council approval of the final plat for Linden Park Division No. 8 as presented. Dixon seconded motion. Motion passed unanimously.**

#### **Miscellaneous:**

**Bonneville County Planning Commission Report.** Swaney reported the Bonneville County planning commission met last Wednesday. The Bonneville County Commission is amenable to meeting jointly on 17<sup>th</sup>, but still have not received any official response from Bonneville County. Other than that business went forward in a very similar matter as to ours tonight. One thing was, an application before Bonneville county commission for a cell tower. Dixon is this a good topic to break ice at the next joint meeting. Cramer said he and Steve Sere have planned on one more meeting talking about more general differences.

Swaney adjourned meeting at 9:15 p.m.

Respectfully Submitted,

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Beckie Thompson, Recorder